

2019 JAN 24 AM 9:08

1 STATE OF MICHIGAN

2 IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

3 JUVENILE DIVISION

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5 IN THE MATTER OF,

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7 Case No. 18-000,676  
8 ISABELLA PARKER,  
9 DYLAN PARKER,  
/ Petition No. 18001004

Hon. Frank Szymanski

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EXCERPTS OF PROCEEDINGS

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JUDGE'S RULING OF BENCH TRIAL

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BEFORE THE HONORABLE FRANK SZYMANSKI, CIRCUIT COURT JUDGE

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Detroit, Michigan - Thursday, November 29, 2018

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APPEARANCES:

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Reported by:

Cassandra Waters (CSR-8126)  
Certified Shorthand Reporter

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# T A B L E O F C O N T E N T S

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3 WITNESSES:

PAGE

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E X H I B I T S

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ADMITTED

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1                   Detroit, Michigan

2                   Thursday, November 29, 2018 - at 2:44 p.m.

3                   THE CLERK OF THE COURT: We're here in the matter of  
4                   Isabella and Dylan Parker, Jacket No. 18-000,676N; Petition  
5                   18001004N.

6                   All parties state your name for the record.

7                   MR. MILLER: Gerald Miller, Assistant Attorney General,  
8                   on behalf of the Department of Health and Human Services.

9                   MS. STONE: Taylor Stone, Petitioner on behalf of DHHS.

10                  MR. THOMAS: Reginald Thomas, Michigan Children's Law  
11                  Center, our office represents the children. I am standing in for  
12                  Eliot Zipser.

13                  MR. PARKER: James Parker, father of Isabella and Dylan  
14                  Parker.

15                  MS. SATAWA: Lisa Kirsh Satawa, attorney for both  
16                  parents.

17                  MS. PARKER: Allison Parker, mother to Dylan and  
18                  Isabella Parker.

19                                 \* \* \*

20                  THE COURT: So look, I heard a lot of science here. I  
21                  appreciate the attorneys and the work they did in terms of  
22                  preparing and presenting this. I wish that I had this in all of  
23                  my cases. I understand there might be some dispute about this  
24                  Vitamin D. Look, I'm going to just quickly mention a couple of  
25                  things that I thought were significant.

1                   First of all, it became very clear to me that you can't  
2 pick up bone deficiencies from an x-ray. Secondly, while I agree  
3 there is this dispute about what does Vitamin D deficiency and  
4 what is Ehlers-Danlos Syndrome mean in terms of bone fragility and  
5 I realize that, you know, it's not quote, a settled science, I'll  
6 use that term. There is room to accept that this could be part of  
7 the explanation, and I have two parents here who I have with the  
8 exception of these actual injuries, I have no evidence of either  
9 of these parents being bad actors.

10                  I don't have a domestic violence history. I don't have  
11 a criminal violent history. I mean, they're just, they're just  
12 normal people who have been thrown into a nightmare here by the  
13 fact that their child could be susceptible to these types of  
14 injuries through less than what we would normally consider  
15 traumatic action, I'll say that. So, and I think about, well, if  
16 I take jurisdiction what would I do? The parents are already  
17 providing for their children and they're doing so and Mr. Miller's  
18 remark numerous times, well, they have been fine since they came  
19 into care.

20                  Well, they came into care but they have been in care by  
21 the parents. So, I mean, that argument really cuts both ways. I  
22 mean, yeah, I could take jurisdiction and order them to take a  
23 parenting class, but what would that do? That wouldn't make them  
24 better parents than they already are. So, and I thought about  
25 this bruising a lot, and you know, Dr. Smith gave me a plausible

1 explanation. And when I consider possible disposition towards  
2 more easily bruising that Dylan certainly might have, and I  
3 understand there is no conclusive proof that mother has  
4 Ehlers-Danlos Syndrome or that Dylan has it, you know. I don't  
5 have a box checked off on a medical chart that says it's  
6 absolutely final but there is certainly all kinds of supportive  
7 evidence of that.

8 So, I'm just not inclined to ignore all of that. And I  
9 shutter to think about, you know, other cases where all of these  
10 factors might be involved and the judge never gets the information  
11 and never gets an opportunity to understand that there might be an  
12 alternative explanation. And I don't think Dr. Moore is  
13 necessarily, you know, is just doing things because she's getting  
14 paid but I heard a lot deeper science from some of the other  
15 witnesses than I heard from Dr. Moore, and I think it would be  
16 absurd for us based on what we heard to assume that the Vitamin D  
17 level was already at 12 at birth when it was being supplemented  
18 ever since the child was born when the child came in on  
19 April 13th.

20 So I think everybody understands where I'm at on this.  
21 I understand why the Department felt it was appropriate. Every  
22 time there is broken bones on a young child they file a petition,  
23 I understand, unless there is an admission that the child was in  
24 an auto accident or some explanation, I understand all of that.

25 To the parents, you know, I think in my mind you have

1       acquitted yourselves in terms of establishing, you need to thank  
2       Ms. Satawa because she did a job I rarely see in this courtroom.  
3       So any of us could find ourselves in your situation base on a  
4       predisposition of a child. I'm sorry you had to experience all of  
5       this, case dismissed.

6 (At 4:32 p.m., proceedings concluded)

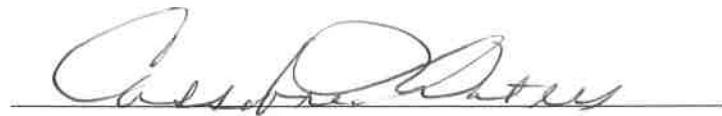
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CERTIFICATE OF REPORTER

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3 I certify that this transcript, consisting of 7 pages, is a  
4 complete, true, and correct transcript of the proceedings and testimony  
5 taken in this case by Cassandra T. Waters on November 29, 2018.

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13 Dated: January 24, 2019

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